

OFFICIAL COPY

Fresno, California

October 19, 1999

The City Council met in regular session at the hour of 10:13 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Garry Bredefeld	Councilmember
	Chris Mathys	Acting Council President
	Henry Perea	Councilmember
	Sal Quintero	Councilmember
	Dan Ronquillo	Councilmember
	Ken Steitz	Council President

Jeff Reid, City Manager  
Hilda Cantu Montoy, City Attorney  
Rebecca Klisch, City Clerk  
Yolanda Salazar, Assistant City Clerk

Reverend Sam Reverend, Bethany Church, gave the invocation.

Councilmember Ronquillo led the Pledge of Allegiance to the Flag.

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PROCLAMATION OF RANDOM ACTS OF KINDNESS WEEK - COUNCILMEMBER QUINTERO

RESOLUTION OF COMMENDATION TO ST. BENEDICT CATHOLIC WORKER - ACTING PRESIDENT MATHYS

RESOLUTIONS OF COMMENDATION BY THE FIRE DEPARTMENT TO ALEX SMITH, TIM GEDDERT AND JESSICA SHIMIZU

(ADD-ON) PROCLAMATION OF NATIONAL MEDICAL ASSISTANTS WEEK - COUNCILMEMBER PEREA

The above proclamations and resolutions were read and presented.

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President Steitz recognized and welcomed a group visiting from Russia.

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## APPROVE MINUTES OF OCTOBER 5, 1999

The minutes of October 5, 1999, were approved as submitted.

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**APPROVE AGENDA:**

**(“F”)** CONSIDER THE GREEN FAMILY PROPOSAL AND PROVIDE DIRECTION TO STAFF RELATIVE TO THE PROPOSED ACQUISITION AND DEVELOPMENT OF A REPLACEMENT SITE AT 4138 W. DAKOTA FOR GREEN’S BARK AND HUMUS - ACTING PRESIDENT MATHYS (COUNCIL AND/OR AGENCY ACTION)

City Clerk Klisch advised the correct address was *4150 N. Brawley Avenue*. So noted and corrected.

**(3B)** RESOLUTIONS AND AGREEMENT RELATED TO THE ECONOMIC RECOVERY PLAN AND FUNDING A NEIGHBORHOOD PROJECT

At the request of Councilmember Bredefeld and with Council concurrence, the issue set for 11:30 a.m. this date.

**(5H)** COUNCIL ACTION RELATIVE TO REHABILITATION OF THE OLD SANTA FE DEPOT - PRESIDENT STEITZ

On motion of Councilmember Bredefeld, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Item **5H** to be heard after Item **3B** (previously set for 11:30 a.m.), by unanimous Council consent.

**(5E)** DEVELOPMENT AND CITY ATTORNEY RESPONSE TO COUNCIL REGARDING REQUEST TO INITIATE A PLAN AMENDMENT EFFECTIVELY REVERSING THE APPROVAL OF PLAN AMENDMENT NO. A-95-11 AND RESTORING THE RESTRICTION AGAINST FURTHER DEVELOPMENT (APPROVAL OF DEVELOPMENT ENTITLEMENTS SUCH AS SUBDIVISION MAPS, REZONES, PLAN AMENDMENTS, OR SPECIAL PERMITS) WITHIN THE 1989 WOODWARD PARK URBAN RESERVE, PENDING COMPLETION OF THE 2020 GENERAL PLAN UPDATE - COUNCILMEMBER PEREA

At the request of Councilmember Perea and with Council concurrence, the issue set for 5:40 p.m. this date.

REQUEST FOR REPORT ON LEAGUE OF CALIFORNIA CITIES CONFERENCE - ACTING PRESIDENT MATHYS

President Steitz gave a brief oral report on the conference and meetings attended, along with Councilmember Ronquillo and Mayor Patterson, stating it was a very productive conference.

**(5:45 P.M.)** CONTINUED HEARING ON PLAN AMENDMENT NO. A-99-09 AND REZONING APPLICATION NO. R-99-18, FILED BY CENTRAL PACIFIC BUILDERS, INC., ON BEHALF OF DON ALUISI, ET AL. AND THE CITY OF FRESNO ON BEHALF OF THE CLOVIS UNIFIED SCHOOL DISTRICT AND THE FRESNO METROPOLITAN FLOOD CONTROL DISTRICT, FOR PROPERTY LOCATED AT THE NORTHWEST OF THE INTERSECTION OF N. MAPLE AND E. INTERNATIONAL AVENUES  
(REQUEST TO CONTINUE TO OCTOBER 26, 1999, AT 5:45 P.M.)

Councilmember Perea questioned the appropriateness of continuing the matter at this time, with City Attorney Montoy responding and Council determination made to continue the issue at the time scheduled.

COMMENDATION TO BUSINESSES FOR HELPING TO DECREASE THE CITY'S UNEMPLOYMENT RATE FROM DOUBLE DIGITS TO 8.4 - COUNCILMEMBER BOYAJIAN

Commendation made.

**(11:00 A.M. #1)** HEARING TO CONSIDER AN APPEAL OF CONDITIONAL USE PERMIT NO. C-99-78, FILED BY PACIFIC BELL WIRELESS, REQUESTING AUTHORIZATION TO INSTALL A 70-FOOT HIGH MONOPOLE WITH ATTACHED ANTENNAS ON PROPERTY LOCATED AT 3030 N. BLACKSTONE AVENUE - COUNCILMEMBER PEREA (CONTINUE TO 5:00 P.M.)

Continued as noted.

**(11:00 A.M. #2)** HEARING ON TEXT AMENDMENT NO. TA-99-04 RELATING TO DEVELOPMENT STANDARDS, "FAMILY, RESTAURANT, GAME AND ENTERTAINMENT CENTER" (CONTINUE TO OCTOBER 26, 1999, AT 10:00 A.M.)

Continued as noted.

On motion of Councilmember Perea, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

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#### **ADOPT CONSENT CALENDAR:**

**(1A-2)** AWARD A CONTRACT TO AMERICAN PAVING COMPANY IN THE AMOUNT OF \$30,787.40 TO CONSTRUCT A CONCRETE RAMP IN THE PONDING BASIN (DOG PARK) AT EL CAPITAN AND ALAMOS AVENUES

**(1A-5) RESOLUTION NO. 99-294** - APPROVING AN APPLICATION FOR A HOUSEHOLD HAZARDOUS WASTE GRANT - EIGHTH CYCLE FROM THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD (CIWMB) TO FUND THE EXPANSION OF THE CURRENT HOUSEHOLD HAZARDOUS WASTE EDUCATION AND OUTREACH PROGRAMS TO PROMOTE THE PROPER MANAGEMENT OF LEFTOVER PAINT AND PAINT SOLVENT MATERIALS AND TO ESTABLISH A PAINT EXCHANGE PROGRAM FOR THE CITY; IDENTIFYING THE INDIVIDUAL AUTHORIZED TO EXECUTE AGREEMENTS AND CONTRACTS TO IMPLEMENT THE PROJECT; AND ANNOUNCING THE CITY'S OFFICIAL INTENT TO MAINTAIN SUCH A PROGRAM AFTER GRANT FUNDS HAVE BEEN DISCONTINUED

**(1A-7)** APPROVE ACQUISITION OF A 0.296 ACRE WELL SITE FOR DEVELOPMENT OF WATER WELL PUMP STATION NO. 307, PROPERTY LOCATED SOUTH OF SHAW AVENUE BETWEEN BRAWLEY AND VALENTINE AVENUES (AND THE UNDERLYING FEE OWNERSHIP OF ADJACENT STREET RIGHT-OF-WAY IN MARTY AND VALENTINE AVENUES) THAT IS A PORTION OF FRESNO COUNTY ASSESSOR'S PARCEL 424-020-97T FROM THE FRESNO METROPOLITAN FLOOD CONTROL DISTRICT FOR \$12,933.17; AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO SIGN ALL DOCUMENTS NECESSARY TO COMPLETE THE TRANSACTION ON BEHALF OF THE CITY

**(1A-8)** APPROVE A LEASE AMENDMENT WITH HR LLC, A LIMITED LIABILITY COMPANY, FOR THE RENT OF ADDITIONAL SPACE FOR THE FRESNO COUNTY NARCOTICS ENFORCEMENT TEAM, SUBJECT TO THE ADDITIONAL APPROVAL BY THE COUNTY BOARD OF SUPERVISORS; AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO SIGN THE LEASE AMENDMENT ON BEHALF OF THE CITY

On motion of Councilmember Perea, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby approved, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

**(1A-6) RESOLUTION NO. 99-296** - DEDICATING CERTAIN CITY-OWNED PROPERTY AS AN EASEMENT FOR PUBLIC PEDESTRIAN WALKWAY PURPOSES (RELATED TO THE DEVELOPMENT OF A SURFACE WATER TREATMENT FACILITY AT THE NORTHEAST CORNER OF CHESTNUT AND BEHYMER AVENUES)

On motion of Councilmember Perea, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the above entitled Resolution No. 99-296 hereby approved, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Steitz
Noes	:	Ronquillo
Absent	:	None

**(1B-3) \* BILL NO. B-66 - AMENDING THE FRESNO MUNICIPAL CODE RELATING TO FISCAL ADMINISTRATION, REVISING PROCEDURE FOR PRESENTATION AND PROCESSING OF CLAIMS FOR MONEY OR DAMAGES (INCLUDING CLAIMS RELATING TO CONTRACTS), PENDING LITIGATION AND WORKERS' COMPENSATION CLAIMS, AND MAKING HOUSEKEEPING AMENDMENTS AND FORMALIZING ADMINISTRATIVE PRACTICE**

On motion of Councilmember Perea, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the above entitled Bill No. B-66 introduced before the Council and laid over, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

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**(2A) WORKSHOP ON CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES AND CITY OF FRESNO IMPLEMENTATION**

At the direction of President Steitz, the above issue laid over one week at a time certain.

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**(10:00 A.M.) HEARING ON PLAN AMENDMENT NO. A-99-14 AND REZONING APPLICATION NO. R-99-23, FILED BY McCaffrey Development Co., PROPERTY LOCATED ON THE NORTHEAST SIDE OF W. SPRUCE AVENUE ABOUT 500 FEET NORTH OF W. HERNDON**

**1. CONSIDER NEGATIVE DECLARATION FOR E.A. NO. A-99-14, R-99-23 AND C-99-95**

**2. RESOLUTION NO. 99-296 - AMENDING THE BULLARD COMMUNITY PLAN (PLANNING COMMISSION RECOMMENDATION)**

**3. BILL NO. B-67 - ORDINANCE NO. 99-61 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM C-P/EA/UGM/CZ TO C-M/EA/UGM/CZ**

**4. RESOLUTION - DENYING THE AMENDMENT TO THE BULLARD COMMUNITY PLAN (STAFF RECOMMENDATION)**

President Steitz announced the time had arrived to consider the issue and opened the hearing.

Planner Koo reviewed the staff report as submitted, recommended the request be denied, and advised as an alternative staff would support "S-L" Storage/Limited, Mini Storage Facility District rezoning and explained.

Speaking to the issue were: Gary Giannetta, Project Engineer, representing McCaffrey Development, who reviewed the project and spoke in support **(2 - 0)**; and Georgeanne White, 6054 W. Alluvial, who expressed concern with the allowable signage, with Supervising Planner Beach advising what would be allowed.

Upon call, no one else wished to be heard and President Steitz closed the public testimony portion of the hearing.

Acting President Mathys displayed a map showing the surrounding development, spoke in support of the project, and made a motion to approve the Planning Commission's recommendation, which was seconded and later acted upon.

Lengthy discussion ensued with Mr. Giannetta, Planning Manager Yovino, Mr. Koo and Mr. Tingey responding to questions and concerns of Councilmembers Bredefeld, Ronquillo. Boyajian, Perea and Quintero relative to main objections by staff, Caltrans' concerns, no need for a traffic study, over supply of industrial land in the Bullard Community Plan area, support for S-L zoning by the applicant, neighborhood opposition, job creation anticipated with the project, importance of the railroad to the project, current owner of the property, Herndon Avenue access, mixed and compatible uses in the project, benefits of existing infrastructure, Caltrans' letter not being an issue, how other uses in the area are evaluated, length of time property has been vacant, the general plan update and possibility of zoning change, number of neighborhood meetings held, process and input by neighbors, and neighborhood support.

On motion of Acting President Mathys, seconded by Councilmember Quintero, duly carried, RESOLVED, the mitigated Negative Declaration for Environmental Assessment No. A-99-14, R-99-23, C-99-95 hereby approved; the above entitled Resolution No. 99-296 (*Planning Commission recommendation*) adopted; and the above entitled Bill No. B-67 adopted as Ordinance No. 99-61, by the following vote:

Ayes	:	Boyajian, Mathys, Quintero, Ronquillo
Noes	:	Bredefeld, Perea, Steitz
Absent	:	None

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**(10:30 A.M.) HEARING ON THE FORMATION OF UNDERGROUND UTILITY DISTRICT (UUD) NO. FRE-76, PROPERTY LOCATED AT PEACH AVENUE BETWEEN MCKINLEY AND FREEWAY 180**

**1. RESOLUTION NO. 99-297 - ESTABLISHING UNDERGROUND UTILITY DISTRICT NO. FRE-76**

President Steitz announced the time had arrived to consider the issue and opened the hearing.

City Design Engineer Kassabian briefly reviewed the staff report as submitted.

Upon call, no one wished to be heard and President Steitz closed the hearing.

On motion of Councilmember Ronquillo, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled Resolution No. 99-297 hereby adopted, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

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**(3B) \* RESOLUTION - 40<sup>TH</sup> AMENDMENT TO AAR 99-181 APPROPRIATING \$443,000 TO FUND THREE NEW POSITIONS AND A BUSINESS LICENSE STUDY FOR THE PURPOSE OF CARRYING OUT THE DIRECTION OF THE ECONOMIC RECOVERY PLAN, PLUS FUNDING A NEIGHBORHOOD PROJECT BOUNDED BY BELMONT, FREEWAY 180, "H" STREET AND PALM AVENUES**

1. \* RESOLUTION - 3<sup>RD</sup> AMENDMENT TO PAR 99-182 ADDING THREE POSITIONS TO CARRY OUT THE DIRECTION OF THE ECONOMIC RECOVERY PLAN
2. APPROVE AGREEMENT WITH BURR CONSULTING TO STUDY FRESNO EMPLOYMENT MIGRATION PATTERNS, INDUSTRY GROWTH IN COMPARISON TO OTHER CITIES, TAX CONTRIBUTIONS BY INDUSTRY, JOB CREATION STRATEGIES, AND ALTERNATIVE BUSINESS TAX RATE MODELS, CONTINGENT UPON APPROVAL AS TO FORM BY THE CITY ATTORNEY

City Manager Reid reviewed the background of the issue and staff report as submitted; explained how staff determined the financing and funding sources; **(3 - 0)** suggested action be delayed a week to invite the Economic Development Corp. (EDC), the Fresno Revitalization Corp.(FRC), and the Convention and Visitors Bureau (CVB) to the meeting to obtain their input since their funding would be affected; and along with Charles Tingey, EDC President, responded to questions of Councilmember Bredefeld relative who, besides the City, contributed funds to the EDC, amount the City funds EDC annually, number of jobs EDC has generated for the City, specifically during the last 4 to 12 months, cooperation between the EDC and the City, the EDC "encouraging" businesses to locate in the county, and Fresno County's contribution to EDC.

Mr. Tingey expressed shock that the issue was on the agenda stating they had not been informed; stressed EDC was very appreciative of the City's funding; and emphasized, relative to the proposal for decreased funding, this was a very crucial time for EDC as major results were upcoming with the marketing now going on and urged they be allowed to respond.

Councilmember Bredefeld stated action would not be taken this, expressed his concern with the EDC taking City funds and the City not receiving any communication from them, and stated he would be asking next week what EDC had been doing in terms of creating jobs and made a motion to that effect, which motion was seconded by President Steitz who set the issue for October 26<sup>th</sup> at 3:00 p.m. to obtain a report from the EDC, FRC and CVB.

On motion of Councilmember Bredefeld, seconded by President Steitz, duly carried, RESOLVED, the issue postponed one week to October 26, 1999, at 3:00 p.m. to obtain a report from the EDC, FRC and CVB, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

Councilmember Ronquillo briefly commented stating he too was surprised with the proposed diversion of funds, noted there was now a new EDC director and concurred questions needed to be answered, and requested the EDC and FRC be prepared to discuss the issue in more detail.

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#### **(5H) COUNCIL ACTION RELATIVE TO REHABILITATION OF THE OLD SANTA FE DEPOT - PRESIDENT STEITZ**

President Steitz requested input and direction from Council, and City Design Engineer Kassabian reported on the status of funding issue and timelines for rehabilitation of the old building or constructing a new Amtrak Station, and upon question confirmed loss of funding was not an issue.

Senator Jim Costa, 2550 Mariposa Mall #3016, advised Council of the history and his involvement with the issue; requested Council take the time to pursue all options including rehabilitation of the old depot in combination with an intermodal transportation system with Greyhound Bus advising Greyhound had \$2-3 million in funding and had the ability to apply for additional federal funds and explained; noted the City and County had issues to work out relative to the MOU; stressed it would be premature to make any specific determination until good numbers were obtained on the restoration; and advised he was committed to continuing to work with the City and County and assist in any way he could at the State level.

Councilmember Perea made a motion to direct staff to move forward with rehabilitation of the old depot by obtaining estimates and reporting back on all options including an intermodal transportation system, which motion was seconded and acted upon after discussion.

Councilmember Ronquillo briefly commented on the issue stating the \$9 million estimate to rehabilitate the old depot was inaccurate and elaborated, later noted BNSF was currently utilizing the old depot without any fear of the structure, and stated he felt it would still be possible to rehabilitate the old depot and also construct a new compatible station for future use.

Brief discussion ensued on a funding source to carry out the work needed and to obtain estimates, with City Manager Reid reminding Council \$25,000 had been budgeted in the FY 2000 budget for the depot and was available to utilize, whereupon Councilmember Perea incorporated the use of those funds into his motion **(4 - 0)**.

Brief discussion ensued with Senator Costa responding to questions of Councilmember Boyajian relative to why the old depot was closed down, if the remodeling/rehabilitation would be a major project, and if the intermodal transportation system with Greyhound was a real possibility with Senator Costa responding affirmatively and reiterated it would be worth taking time and money to explore all options. Councilmember Ronquillo suggested Architect Scott Vincent should be contacted relative to obtaining estimates.

On motion of Councilmember Perea, seconded by Councilmember Quintero, duly carried, RESOLVED, staff authorized to utilize \$25,000 budgeted for the old Santa Fe Depot in the FY 2000 budget and directed to move forward and obtain cost estimates to rehabilitate the old Santa Fe Depot, and report back on all options including an Intermodal Transportation System with Greyhound Bus, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

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**LUNCH RECESS - 12:41 P.M. - 2:14 P.M.**

**(2:00 P.M.) CONTESTED CONSENT CALENDAR ITEMS:**

**(1A-1) APPROVE AGREEMENT WITH THE TAYLOR GROUP FOR ARCHITECTURAL SERVICES TO PERFORM A FEASIBILITY STUDY AND COMPARATIVE COST ANALYSIS FOR THE REMODEL AND EXPANSION OF THE CONVENTION CENTER FACILITIES, CONTINGENT UPON APPROVAL AS TO FORM BY THE CITY ATTORNEY**



a. \* RESOLUTION - 21<sup>ST</sup> AMENDMENT TO AAR 99-181 APPROPRIATING \$43,000 FOR A FEASIBILITY STUDY TO IMPROVE THE CONVENTION CENTER FACILITIES (*\*5 AFFIRMATIVE VOTES NEEDED*)

Upon question of Councilmember Bredefeld, City Attorney Montoy advised approval of the agreement being contingent upon the City Attorney's approval as to form was standard practice. President Steitz advised the issue had been laid over to receive information on all the proposals submitted. Councilmember Bredefeld stated he would not support staff's recommendation and made a motion to approve an agreement with LMN Architects, which motion was seconded and later acted upon.

Discussion ensued on costs involved with LMN. City Manager Reid stated he could not fathom the reason why Council would expend an additional \$10,000 for the same work effort, go with an outside non-local firm and discriminate against a local firm adding it was inconsistent with policy. Councilmember Bredefeld responded stating he was not happy with The Taylor Group and their efforts and how they conducted themselves in the past with the exhibit hall.

Convention Center Valdez responded to questions of Councilmember Quintero and President Steitz relative to an earlier study performed by LMN and already having much of the needed information, where LMN was located, and the scope of work that would be performed. President Steitz stated his opposition to the motion stressing this would be \$10,000 waste of taxpayer money. Councilmember Perea briefly left the meeting at 2:26 p.m.

Mr. Valdez responded additionally to questions of Councilmembers Boyajian, Quintero and Mathys relative to the possibility of packaging a deal and obtaining private financing such as Fresno State's Save Mart Arena (with Councilmember Boyajian emphasizing the City needed to be pro-active), what the consultant report would entail, if LMN used local subcontractors with their past work, and if an analysis had been performed on basketball moving north. Upon question of Acting President Mathys, Mr. Valdez stated he was confident the City could make up the basketball shortfall if the arena and facilities were updated.

A motion of Councilmember Bredefeld, seconded by Councilmember Perea, to approve an agreement with LMN Architects for architectural services to perform a feasibility study and comparative cost analysis for the remodel and expansion of the Convention Center facilities, contingent upon approval as to form by the City Attorney, and adopt the related appropriation resolution failed due to the need for 5 affirmative votes, by the following vote:

Ayes	:	Boyajian, Bredefeld, Quintero, Ronquillo
Noes	:	Mathys, Steitz
Absent	:	Perea

Councilmember Perea returned to the meeting at 2:30 p.m. Mr. Reid reviewed the background and experience of The Taylor Group and stressed the reasons for denying The Taylor Group were unfair to the taxpayers.

Councilmember Perea made a motion to approve an agreement with LMN Architects, which was seconded by Councilmember Bredefeld, whereupon City Attorney Montoy advised someone from the prevailing side needed to make the motion to reconsider the issue.

A motion of Acting President Mathys, seconded by President Steitz, to approve the agreement with Taylor Group and adopt the above entitled Resolution failed, by the following vote:

Ayes : Mathys, Steitz  
Noes : Boyajian, Bredefeld, Perea, Quintero, Ronquillo  
Absent : None

With Council concurrence, the issue to be brought back in one week.

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**(1A-3) APPROVE AGREEMENT WITH KELLING, NORTHCROSS & NOBRIGA FOR FINANCIAL ADVISORY SERVICES**

Assistant Controller Carlton responded to questions of Councilmember Ronquillo relative to the City having a comprehensive financial advisory service in the past, if a service was retained when the pension fund was refinanced/restructured, if the City had any firms on a retainer basis, and why Sutro & Co. could not be used as advisors in terms of information needed now. Director of Administrative Services Souza explained why the City needed a financial advisory service at this time.

On motion of Councilmember Ronquillo, seconded by President Steitz, duly carried, **RESOLVED**, a contract with Kelling, Northcross & Nobriga, Incorporated to assist the City in evaluating and coordinating bond financing strategies hereby approved, by the following vote:

Ayes : Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz  
Noes : None  
Absent : None

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**(1A-9) \* RESOLUTION NO. 99-298 - 365<sup>TH</sup> AMENDMENT TO MFS RESOLUTION NO. 80-420 MODIFYING BUSINESS TAX RATES (REDUCING CERTAIN BUSINESS TAX RATES FOR SMALL RETAIL AND WHOLESALE BUSINESSES)**

Councilmember Bredefeld commended the Mayor and City Manager on the issue stating this would help small businesses to grow, and emphasized these were the kinds of things Fresno needed to do.

On motion of Councilmember Bredefeld, seconded by Councilmember Quintero, duly carried, **RESOLVED**, the above Resolution No. 99-298 hereby adopted, by the following vote:

Ayes : Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz  
Noes : None  
Absent : None

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**(1B-1) \* BILL NO. B-68 - REPEALING AND ADDING SUBSECTIONS AND SECTION TO THE FRESNO MUNICIPAL CODE RELATING TO BUSINESS LICENSES**

Councilmember Bredefeld commended the Mayor and City Manager stating this was an effort to make Fresno more business friendly.

On motion of Councilmember Bredefeld, seconded by Acting President Mathys, duly carried, RESOLVED, the above entitled Bill No. B-68 introduced before the Council and laid over, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

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**(1B-2) \* BILL NO. B-69 - TEXT AMENDMENT NO. TA-99-04 AMENDING THE TEXT OF THE FRESNO MUNICIPAL CODE AND RELATED ENVIRONMENTAL FINDINGS RELATED TO MODIFYING THE DEVELOPMENT CRITERIA FOR A FAMILY RESTAURANT, GAME, AND ENTERTAINMENT CENTER, AND ADDING THE USE TO THE C-4 (CENTRAL TRADING) DISTRICT SUBJECT TO A CONDITIONAL USE PERMIT (HEARING TO ADOPT ORDINANCE SET FOR OCTOBER 26, 1999, AT 10:00 A.M.)**

Councilmember Bredefeld commended Development Director Solis stating this would assist an important business in his district.

On motion of Councilmember Bredefeld, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Bill No. B-69 introduced before the Council and laid over, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

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**(3A) \*BILL NO. B-64 - ORDINANCE NO. 99-62 - RELATING TO THE ISSUANCE OF ONE-TIME RETAIL LICENSES FOR THE SALE OF SAFE AND SANE FIREWORKS FOR THE PERIOD BETWEEN DECEMBER 26, 1999, AND JANUARY 1, 2000**

A motion and second to adopt the ordinance was made. Upon request for clarification, President Steitz stated this would be a one time sale expiring on 1/1/00.

On motion of President Steitz, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled Bill No. B-64 adopted as Ordinance No. 99-62, by the following vote:

Ayes	:	Mathys, Quintero, Ronquillo, Steitz
Noes	:	Boyajian, Bredefeld, Perea
Absent	:	None

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Acting President Mathys expressed this thanks to the entire City staff for all their work and efforts.

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**(2:00 P.M.) REGULAR CLOSED SESSION OF THE CITY COUNCIL AND JOINT SESSION WITH THE REDEVELOPMENT AGENCY**

**(A) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (a) - CASE NAMES:**

1. ROBERT GUERRERO V. CITY OF FRESNO
2. JEANETTA WOODWARD V. CITY OF FRESNO
3. BETTY LORRAINE WONS, BY AND THROUGH HER G.A.L. LORENE BREWER V. CITY OF FRESNO
4. STUART RIBA V. CITY OF FRESNO
5. MILDRED COOPER V. CITY OF FRESNO

**(B) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (a) - SIGNIFICANT EXPOSURE TO LITIGATION: COUNTY OF FRESNO VV. CITY OF FRESNO**

**(C) CONFERENCE WITH L LEGAL COUNSEL - EXISTING LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (a) - CASE NAMES:**

1. REDEVELOPMENT AGENCY V. MORRIS, GRAVES, FARSAKH, ET AL. (AGENCY ACTION)
2. SPARKS V. REDEVELOPMENT AGENCY, ET AL. (COUNCIL AND AGENCY ACTION)

The Council met in regular closed session and in joint session with the Redevelopment Agency in Room 2125 at the hour of 2:50 p.m. to consider the above issues and reconvened in regular open session at 3:57 p.m.

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**(3:30 P.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY**

The Council met in joint session with the Redevelopment Agency at the hour of 3:57 p.m. President Steitz arrived later.

**APPROVE AGENCY MINUTES OF SEPTEMBER 28, 1999**

On motion of Councilmember Perea, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the Agency minutes of September 28, 1999, approved as submitted by unanimous consent.

**ADOPT AGENCY CONSENT CALENDAR:**

**(“A”) AWARD A CONTRACT TO BOWEN ENGINEERING & ENVIRONMENTAL IN THE AMOUNT OF \$28,000 TO REMOVE ASBESTOS CONTAINING MATERIALS FROM VARIOUS BUILDINGS AT 143, 145, 151, 153, 155 AND 167 N. THESTA STREET (AGENCY ACTION)**

**(“B”) AWARD A CONTRACT TO NICK’S TRUCKING IN THE AMOUNT OF \$23,333 TO DEMOLISH VARIOUS BUILDINGS AT 143, 145, 151, 153, 155 AND 167 N. THESTA STREET (AGENCY ACTION)**

On motion of Councilmember Bredefeld, seconded by Acting President Mathys, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes : Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo  
Noes : None  
Absent : Steitz

(“C”) CONSIDER APPROVAL OF AN OWNER PARTICIPATION AGREEMENT (OPA) BETWEEN THE REDEVELOPMENT AGENCY AND FOUNDRY PARK INVESTORS, L.P. FOR THE FOUNDRY PARK PROJECT LOCATED AT THE NORTHWEST CORNER OF S. EAST AVENUE AND GOLDEN STATE BOULEVARD IN THE SOUTH VAN ESS INDUSTRIAL REDEVELOPMENT PLAN AREA (COUNCIL AND AGENCY ACTION)

**1. JOINT COUNCIL RESOLUTION NO. 99-299 AND AGENCY RESOLUTION NO. 1557 - APPROVING AN OPA BETWEEN THE REDEVELOPMENT AGENCY AND FOUNDRY PARK INVESTORS, L.P., AND MAKING CERTAIN FINDINGS (COUNCIL AND AGENCY ACTION)**

On motion of Councilmember Bredefeld, seconded by Acting President Mathys, duly carried, RESOLVED, the above entitled Joint Resolution No. 99-299/1557 hereby adopted, subject to approval as to form by the City Attorney, subject to any nonsubstantive modifications approved by the Executive Director and approved as to form by the City Attorney, and authorizing the Executive Director or his designee to sign the OPA, by the following vote:

Ayes : Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo  
Noes : None  
Absent : Steitz

Agency Director Fitzpatrick noted for the record a revised resolution had been submitted with minor corrections.

(“D”) CONSIDER APPROVING A PROPOSED NEGOTIATING AND PROCEDURAL OUTLINE (“EXCLUSIVE DEVELOPER NEGOTIATIONS” WITH GUNNER AND ANDROS INVESTMENTS) FOR DEVELOPMENT SUB-AREA 1 OF VENTURA/FREEWAY 41 STUDY AREA (AGENCY ACTION)

On motion of Acting President Mathys, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the Negotiating and Procedural Outline hereby approved, and staff directed to work with Gunner & Andros Investments to prepare a Master Plan and negotiate the agreements for developing Subarea 1 of the Ventura/Freeway 41 Study Area, by the following vote:

Ayes : Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo  
Noes : None  
Absent : Steitz

(“E”) CONSIDER AUTHORIZING THE REDEVELOPMENT EXECUTIVE DIRECTOR OR HIS DESIGNEE TO NEGOTIATE AND EXECUTE A CONSULTING AGREEMENT WITH LAND USE ASSOCIATES TO UPDATE THE 5-YEAR IMPLEMENTATION PLANS FOR THE MERGER NO. 1 AND MERGER NO. 2 PROJECTS, AND FOR THE FRESNO AIR TERMINAL REDEVELOPMENT PROJECT (AGENCY ACTION)

On motion of Councilmember Bredefeld, seconded by Acting President Mathys, duly carried, RESOLVED, the Executive Director or his designee authorized to negotiate and execute a consultant agreement with Land Use

Associates to update and adopt the Implementation Plans for the Merger No. 1, Merger No. 2, and Fresno Air Terminal Redevelopment Projects, consistent with the substantive terms shown in Attachment “D” of the staff report including, without limitation, the scope of services and the maximum fee payable, subject to approval as to form by the City Attorney, and subject to nonsubstantive changes, approved the Director and approved as to form by the City Attorney, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo
Noes	:	None
Absent	:	Steitz

**(“F”)** CONSIDER THE GREEN FAMILY PROPOSAL AND PROVIDE DIRECTION TO STAFF RELATIVE TO THE PROPOSED ACQUISITION AND DEVELOPMENT OF A REPLACEMENT SITE AT 4150 N. BRAWLEY FOR GREEN’S BARK AND HUMUS - ACTING PRESIDENT MATHYS (COUNCIL AND/OR AGENCY ACTION)

**(5 - 0)** Acting President Mathys briefly reviewed the background of the issue, advised a location had been found on Brawley Avenue, and requested input and direction from Council on the extent of Redevelopment Agency involvement in purchasing the property and/or improving it for the Green’s. President Steitz arrived at 4:02 p.m.

Agency Director Fitzpatrick advised the Brawley property was not in a redevelopment area and deferred to the City Attorney relative to what public funds could be utilized since many financial and legal policy issues were involved in the issue. Upon question, Assistant City Attorney Avila advised he and Deputy City Attorney Smith were available to answer any questions.

Jennifer Green Heck, 4138 W. Dakota, questioned what was meant by “help” by the City/Agency. Mr. Fitzpatrick responded from the Agency’s perspective stating the Green’s were requesting public assistance in the amount of \$589,000 and the City Attorney ruled redevelopment funds could not be used for projects outside the redevelopment area. City Manager Reid stated if the Agency repaid outstanding debt owned to the City, those funds could be utilized adding the City had no money available in the general fund.

Brief discussion ensued with Ms. Heck and Dan Green advising of the assistance they had received so far from the Agency and real estate agents and on properties they had looked into. Upon question of Councilmember Bredefeld, Mr. Green and Mr. Fitzpatrick advised an available alternative site was located across the street from the site that was previously denied, and Attorney Jim McKelvey, representing the Green’s, responded the neighborhood would have to be asked if the new site would allay any concerns.

Harlan Kelley, 3378 W. Kearney Boulevard, stated he was opposed to the site across the street adding moving the business there did not make any sense, and advised an appropriate site was available on Annadale Avenue and explained.

Councilmember Boyajian stated he supported the Green’s and the original site; emphasized the City and Agency could not help financially; stressed the Green’s would improve the Whitesbridge site which was in dire need of improvements; and stated the original site should just be voted up or down and made a motion to approve the original site, which motion was seconded by President Steitz and ruled impermissible by the City Attorney who explained since the site plan was “denied” and not “denied without prejudice” it had to go through the one year rule.

Speaking to the issue were: Rev. Ted Wilson, 2397 S. Poppy, who urged the City/Agency to work with the Greens in any manner possible; and Edward St. James, 220 E. Oleander, and Myser Keels, 1060 Jones, who stated their opposition to the Whitesbridge site and the site across the street.

Ms. Montoy and Mr. McKelvey responded to questions of Councilmember Perea relative to options available to the Green's including litigation, and on Mr. McKelvey's perspective on the issue of litigation, with Mr. McKelvey stating the Green's had a right to locate at the original site which would have been cleaned up and would have pleased the neighbors, and they were wrongfully denied that right.

Chair Ronquillo noted the issue as scheduled had been discussed, and requested staff look into the availability of any city-owned property away from residential that the Green's could temporarily lease until a permanent site was found. There was no further discussion.

**(“G”) REQUEST FOR UPDATE/EXPLANATION ON THE ROEDING BUSINESS PARK AND THE RECENT COURT DECISION REGARDING EMINENT DOMAIN AND IMPACT IT WILL HAVE ON THE PARK AND THE OTHER REDEVELOPMENT PROJECTS IN THE CITY - COUNCILMEMBER QUINTERO (*COUNTY AND AGENCY ACTION*)**

Upon question of Councilmember Quintero, City Attorney Montoy clarified the court invalidated the amendment to the Roeding Plan, and noting Council voted earlier in closed session to let the decision stand and not appeal it meant a plan was in place without the power of eminent domain. Councilmember Bredefeld briefly left the meeting at 4:45 p.m.

Ms. Montoy and Agency Director Fitzpatrick responded briefly to additional questions of Councilmember Quintero relative to the number of acres that would be affected with the ruling, if infrastructure dollars would be tied up (**6 - 0**), and what was being asked in the following item (**“H”**) since the court rendered its decision. Ms. Montoy stated the court did not rule that the plan could never be amended or that eminent domain of some sort could never be added, clarifying the particular amendment was ruled deficient because certain findings had not been made and explained. There was no further discussion on the issue. President Steitz briefly left the meeting at 4:49 p.m.

**(“H”) CONSIDER INITIATION OF AMENDMENT TO THE ROEDING BUSINESS PARK REDEVELOPMENT PLAN (RBPRP) - COUNCILMEMBER RONQUILLO**

**1. RESOLUTION NO. 99-300 - INITIATING THE PLAN AMENDMENT PROCESS REGARDING THE USE OF EMINENT DOMAIN AND ASSESSMENT DISTRICTS IN THE RBPRP (*COUNCIL ACTION*)**

A motion and second to adopt the resolution was acted upon after brief discussion. City Attorney Montoy, Assistant City Attorney Gabriele and Agency Director Fitzpatrick responded to questions of Councilmember Quintero relative to how this issue/proposed amendment differed from the prior one, and the definition of requisite blight findings. Mr. Gabriele clarified the ruling meant eminent domain could not be used and would not delay or have any impact on the underlying plan.

On motion of Acting President Mathys, seconded by Chair Ronquillo, duly carried, **RESOLVED**, the above entitled Resolution No. 99-300 authorizing the initiation of procedures to amend the Roeding Business Park Redevelopment Plan regarding the use of Eminent Domain and to remove the restriction on the use of Assessment District hereby adopted, by the following vote:

Ayes : Boyajian, Mathys, Perea, Quintero, Ronquillo  
Noes : None  
Absent : Bredefeld, Steitz

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The joint bodies adjourned at 4:57 p.m. and the City Council reconvened in regular session with President Steitz returning to the meeting and Councilmember Bredefeld returning shortly thereafter.

**(4:00 P.M.) DIRECT THE CITY ATTORNEY TO DETERMINE THE FEASIBILITY OF ESTABLISHING AN ORDINANCE REQUIRING ALL MOBILE HOME PARKS IN THE CITY OF FRESNO TO PROVIDE RECYCLING SERVICES - ACTING PRESIDENT MATHYS**

Acting President Mathys reviewed the issue stating with the State mandate to reduce landfill trash by 50%, mobile home parks needed to be included in the recycling effort, and made a motion to direct staff to begin negotiating a recycling program with mobile home park owners to take effect in the next 90 days and explained, and emphasized he did not want this to lead to an increase in space rent stating he felt park owners should be able to provide the service without an increase.

Public Utilities Director Rhinehart responded to questions of City Manager Reid and Acting President Mathys relative to mobile home parks already having the ability to recycle, if mobile home parks were treated differently from apartments, the issue of an additional fee, mandating service and responsible party to pay for the service, legality of existing ratepayers subsidizing mobile home park service, number of parks that currently recycle, and why only 3 out of 20 mobile home parks in the city had the service.

Acting President Mathys expressed concern with park owners' authority to dictate whether or not they would provide the service, emphasized mobile home parks they needed to be a part of the effort to reach the diversion goal, and reiterated his motion adding the provision of *no cost* to mobile home owners.

Councilmember Bredefeld stated he appreciated Acting President Mathys' effort but felt it was inherently wrong to mandate a service without the ability to pass on a fee. Upon question of Councilmember Perea, City Attorney Montoy stated a mandate would be contrary to the Mobile Home Rent Review Ordinance and requested staff be allowed the opportunity to research the issue to see if it was permissible.

Councilmember Perea stated he agreed the City should mandate recycling for mobile home parks but not dictate how the service should be paid and recommended the issue be tabled for two weeks to allow staff to research the issue as recommended by the City Attorney. Brief discussion ensued.

On motion of Councilmember Perea, seconded by Acting President Mathys, duly carried, **RESOLVED**, the subject issue tabled two weeks to November 2, 1999, to allow staff to research the issue, by the following vote:

Ayes : Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz  
Noes : None  
Absent : None

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**(1A-4) RESOLUTION NO. 99-301 - APPROVING FINAL MAP OF TRACT NO. 4833, A 119-LOT SINGLE-FAMILY RESIDENTIAL PLANNED DEVELOPMENT SUBDIVISION LOCATED AT THE SOUTHWEST CORNER OF N. CHESTNUT AND E. BEHYMER AVENUES EAST OF THE ENTERPRISE CANAL, AND ACCEPTING DEDICATED PUBLIC USES THEREIN**

**a. \* RESOLUTION NO. 99-302 - 6<sup>TH</sup> AMENDMENT TO AAR 99-181 APPROPRIATING \$144,500 (THE DEVELOPER'S INITIAL DEPOSIT) FOR THE RIGHT-OF-WAY ACQUISITION OF PUBLIC STREET EASEMENTS ALONG THE N. CHESTNUT AND E. BEHYMER AVENUE ALIGNMENTS IN TRACT 4833**

**b. RESOLUTION NO. 99-303 - CERTIFYING THAT PROVISIONS HAVE BEEN MADE FOR SEGREGATION OF THE EXISTING ASSESSMENT TO EACH OF THE NEW PARCELS BEING CREATED BY TRACT NO. 4833**

Building and Safety Services Manager Williamson, Planning Manager Yovino and Public Utilities Director Rhinehart responded to question of Councilmembers Bredefeld and Perea relative to the project being in the urban serve, adequate water supply, how water pressure issues were dealt with, construction of the surface water treatment plant in the area and timeline, need for water conservation education and participation as opposed to new enforcement and regulations, and ongoing water conservation patrols.

On motion of Councilmember Perea, seconded by Councilmember Bredefeld, duly carried, RESOLVED, a call for the question approved and debate on the issue closed, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Steitz
Noes	:	Ronquillo
Absent	:	None

On motion of Councilmember Perea, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the above entitled Resolution Nos. 99-301, 99-302 and 99-303 hereby adopted; and the Public Works Director authorized to execute the Subdivision Agreement and the covenant for Landscape Maintenance; and the Development director authorized to execute the covenants relating to deferring the payment of Sewer Connection Charges, Water Connection Charges, UGM Fees and certain Development Fee and the Right-to-Farm, by the following vote:

Ayes	:	Bredefeld, Perea, Quintero, Ronquillo, Steitz
Noes	:	Boyajian, Mathys
Absent	:	None

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**(4:30 P.M.) APPROVE FUNDING PROPOSAL FOR THE NORTH AVENUE TRANSPORTATION IMPROVEMENT PROJECT BETWEEN STATE ROUTE 41 AND STATE ROUTE 99 - COUNCILMEMBER RONQUILLO**

City Manager Reid reviewed specifics of the issue **(7 - 0)** and the staff report as submitted. Acting President Mathys briefly left the meeting at 5:34 p.m. Councilmember Ronquillo commended staff for focusing on North Avenue emphasizing businesses were willing to locate there and improvements were badly needed, urged Council's support, and made a motion to approve staff's recommendation, which motion was seconded and acted upon after brief discussion. Mr. Reid clarified and responded to questions of Councilmember Quintero relative to reserving the funds allocated for Peach Avenue.

On motion of Councilmember Ronquillo, seconded by Councilmember Boyajian, duly carried, RESOLVED, reprioritization of funding approved and the North Avenue Transportation Improvement Project to be funded instead of the Brawley Avenue project, by the following vote:

Ayes	:	Boyajian, Bredefeld, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	Mathys

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**(5:00 P.M.) CONTINUED HEARING TO CONSIDER AN APPEAL OF CONDITIONAL USE PERMIT (CUP) NO. C-99-78, FILED BY PACIFIC BELL WIRELESS, REQUESTING AUTHORIZATION TO INSTALL A 70-FOOT HIGH MONOPOLE WITH ATTACHED ANTENNAS ON PROPERTY LOCATED AT 3030 N. BLACKSTONE AVENUE - COUNCILMEMBER PEREA**

President Steitz announced the time had arrived to consider the issue and opened the hearing.

Supervising Planner Beach reviewed the history of cellular towers and the staff report as submitted, displayed photographs of the subject site and advised the issue of aesthetics was of concern to the neighborhood, and advised staff's recommendation was to deny the appeals and approve the CUP. Acting President Mathys returned to the meeting at 5:44 p.m.

Mr. Johnson, representing Pacific Bell, reviewed the issue, stated the project was consistent with the general plan and zoning ordinance requirements, and urged Council's support.

Speaking in opposition to the CUP citing health and aesthetic reasons were area residents Andre Sandoval, Diane Shanklin, and Rebecca Shannon. The property owner of the subject site, who did not identify himself, spoke in support of the project. Continuing in opposition were Frank Diaz, 1935 Cornell; and Robert Wright, 1745 E. Cornell.

Upon call, no one else wished to be heard and President Steitz closed the public testimony portion of the hearing.

Councilmember Perea commented on the issue and on the concerns expressed by the neighborhood, and stated he would respect their wishes and made a motion to uphold the appeals and deny the CUP, which motion was seconded and acted upon later in the meeting.

Extensive discussion ensued with Mr. Johnson, City Attorney Montoy and an unidentified neighborhood representative responding to Council questions relative to whether other sites had been looked at or considered, if Manchester Center could be an alternate site, radiation risks, ability to move the pole away from residential and closer to Blackstone at the subject site, local governments' authority to set standards, number of towers installed by Pac Bell, health concerns and if an impact study had ever been conducted, **(8 - 0)** neighborhood concerns, possibility of Pac Bell putting more effort into locating another site, why the pole was so close to residential, distance of the pole from the apartments, and if the Denny's site had been considered.

At request, Ms. Montoy advised of the types of findings Council would have to make to deny the CUP. City Manager Reid recommended if Council was going to deny the CUP that it be denied "without prejudice" in case the situation changed in the future.

Councilmember Perea stated Manchester Center was a viable, workable site but it came down to an economic issue for Pac Bell as they located a cheaper site, and relative to making the necessary findings to deny the CUP stated the site was inadequate and the project would be detrimental to the public welfare and injurious to the property, and reiterated his motion based on those findings.

Brief discussion ensued with Mr. Beach responding to questions of Councilmember Quintero and Ms. Montoy relative to certain towers located in southeast Fresno, number of towers city-wide, proximity of towers to residential, the necessity of the towers, timeline to act on appeals and take conclusive action on the issue, health and welfare findings, and other uses for the property which would impact the neighborhood more than the poles.

On motion of Acting President Mathys, seconded by Councilmember Bredefeld, duly carried, RESOLVED, a call for the question approved and debate on the issue closed, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

On motion of Councilmember Perea, seconded by Councilmember Bredefeld, duly carried, RESOLVED, findings are hereby made that the site is inadequate and the project would be detrimental to the public welfare and injurious to the property, and the appeals upheld and the categorical exemption and Conditional Use Permit Application No. C-99-78 denied, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Ronquillo
Noes	:	Boyajian, Quintero, Steitz
Absent	:	None

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**RECESS - 6:43 P.M. - 7:04 P.M.**

**SUSPENSION OF COUNCIL RULES**

On motion of Councilmember Perea, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the Council Rules suspended to hear the **5:45 p.m.** item at this time, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo,, Steitz
Noes	:	None
Absent	:	None

**(5:45 P.M.)** CONTINUED HEARING ON PLAN AMENDMENT NO. A-99-09 AND REZONING APPLICATION NO. R-99-18, FILED BY CENTRAL PACIFIC BUILDERS, INC., ON BEHALF OF DON ALUISI, ET AL. AND THE CITY OF FRESNO ON BEHALF OF THE CLOVIS UNIFIED SCHOOL DISTRICT AND THE FRESNO METROPOLITAN FLOOD CONTROL DISTRICT, FOR PROPERTY LOCATED T THE NORTHWEST OF THE INTERSECTION OF N. MAPLE AND E. INTERNATIONAL AVENUES  
(REQUEST TO CONTINUE TO OCTOBER 26, 1999, AT 5:45 P.M.)

On motion of Councilmember Perea, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the hearing on Plan Amendment No. A-99-09 and Rezoning Application No. R-99-18, filed by Central Pacific Builders, Inc., continued as requested to October 26, 1999, at 5:45 p.m., by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

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**(5E) DEVELOPMENT AND CITY ATTORNEY RESPONSE TO COUNCIL REGARDING REQUEST TO INITIATE A PLAN AMENDMENT EFFECTIVELY REVERSING THE APPROVAL OF PLAN AMENDMENT NO. A-95-11 AND RESTORING THE RESTRICTION AGAINST FURTHER DEVELOPMENT (APPROVAL OF DEVELOPMENT ENTITLEMENTS SUCH AS SUBDIVISION MAPS, REZONES, PLAN AMENDMENTS, OR SPECIAL PERMITS) WITHIN THE 1989 WOODWARD PARK URBAN RESERVE, PENDING COMPLETION OF THE 2020 GENERAL PLAN UPDATE - COUNCILMEMBER PEREA**

Councilmember Perea reviewed the issue stating it was clear Council had concerns with the rules now in place in terms of development being done at the correct time and impacts of development to the City as a whole and explained, and questioned what the issues were relative to prior direction given to staff to begin the process of reversing P.A. A-95-11.

City Manager Reid responded stating A-95-11 did not change the underlying planned use of the properties in the urban reserve in that they still had to come in for plan amendments to be voted upon by Council, stated reversal of A-95-11 would not prohibit people from making applications and explained, and advised from a resource side processing of a plan amendment would entail fees, an EIR and various legal issues and he felt those resources would take away resources to update the general plan. Upon question of Councilmember Perea, City Attorney Montoy stated the plan amendment as requested was permissible.

Extensive discussion ensued with Ms. Montoy, Mr. Reid and Developer Castanos (who was in the attendance) responding to questions of Councilmembers Perea and Quintero relative to the 1989 amendment to the Woodward Park plan and goal, the subsequent amendment in 1995, possible need to issue a moratorium to accomplish the requested restriction of further development, timeline and cost for a moratorium, need to update the general plan, **(9 - 0)** disengaging negotiations with Clovis and Fresno County on the general plan, timeline for adoption of the general plan, the subject request impacting and delaying adoption of the general plan, if a general plan had to be adopted by law and any timeline, ability of Clovis and the County to continue developing if the City issued a moratorium and its affect on Fresno, number of homes in Mr. Castanos' Buchanan Estates subdivision, amount of taxes generated for the city of Clovis by that project, Fresno being the first choice, why 90% of housing starts are north of Herndon Avenue, domino effect of housing construction to other businesses in the community, and effect on the enterprise Development Department if no site plans were processed.

Councilmember Perea expressed concern that clear direction was previously given to staff as outlined and staff had not responded with the appropriate documents, and advised with the upcoming Cambridge project he would be consistent and interpret the rules relative to the impacts to the area and to the entire community. Mr. Reid stated he was surprised the issue had been scheduled without asking staff about the status, and advised staff was still working through the request and struggling with some of the legal issues involved and explained.

Councilmember Bredefeld questioned the timeline on the requested documents, with Ms. Montoy advising discussions were still ongoing between her office, the City Manager's office and the Development Department, and briefly commented on the seriousness of the issue citing the problems in the area and emphasizing they needed to be addressed.

Speaking to the issue and expressing their concerns were: Stebbins Dean, Chamber of Commerce; Jeff Harris, Building Industry Association; and Larry Willey.

On motion of Acting President Mathys, seconded by Councilmember Bredefeld, duly carried, RESOLVED, discussion on the issue closed, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

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**(5A) APPROVE APPOINTMENT OF SUSAN BECHARA TO THE COMMISSION ON THE STATUS OF WOMEN - PRESIDENT STEITZ**

On motion of President Steitz, seconded by Acting President Mathys, duly carried, RESOLVED, Susan Bechara appointed to the Commission on the Status of Women, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

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**(5B) \* RESOLUTION NO. 99-304 - 39<sup>TH</sup> AMENDMENT TO AAR 99-181 APPROPRIATING \$5,000 OF DISTRICT 5'S GENERAL FUND INFRASTRUCTURE BUDGET TO FUND THE NON-INFRASTRUCTURE RELATED PAINT-A-THON PROJECT - COUNCILMEMBER QUINTERO**

Councilmember Ronquillo briefly left the meeting at 8:04 p.m.

On motion of Councilmember Quintero, seconded by Acting President Mathys, duly carried, RESOLVED, the above entitled Resolution No. 99-304 hereby adopted, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Steitz
Noes	:	None
Absent	:	Ronquillo

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**(5C) \* RESOLUTION NO. 99-305 - 38<sup>TH</sup> AMENDMENT TO AAR 99-181 APPROPRIATING \$200 OF DISTRICT 2'S GENERAL FUND INFRASTRUCTURE BUDGET TO FUND THE SENIOR CITIZEN'S VILLAGE - ACTING PRESIDENT MATHYS**

On motion of Acting President Mathys, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the above entitled Resolution No. 99-305 hereby adopted, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Steitz
Noes	:	None
Absent	:	Ronquillo

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**(5D) \* RESOLUTION NO. 99-306 - 37<sup>TH</sup> AMENDMENT TO AAR 99-181 APPROPRIATING \$10,000 OF DISTRICT 2'S GENERAL FUND INFRASTRUCTURE BUDGET TO FUND INSPECTION FEES FOR THE HANDICAP RAMP AND MAINTENANCE OF THE DOG PARK LOCATED ON EL CAPITAN AND ALAMOS AVENUES - ACTING PRESIDENT MATHYS**

On motion of Acting President Mathys, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the above entitled Resolution No. 99-306 hereby adopted, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Steitz
Noes	:	None
Absent	:	Ronquillo

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**(5F) DIRECT CITY ATTORNEY TO CREATE AN ORDINANCE REQUIRING ALL COMPANIES THAT HAVE VENDING MACHINES ON PUBLIC RIGHT-OF-WAYS TO APPLY FOR AND OBTAIN A CONDITIONAL USE PERMIT (I.E. NEWSPAPER AND INFORMATION RACKS, VENDING MACHINES, ETC.); ORDINANCE TO BE AVAILABLE FOR INTRODUCTION AND DISCUSSION AT THE OCTOBER 26, 1999, COUNCIL MEETING - COUNCILMEMBER QUINTERO**

On motion of Councilmember Quintero, seconded by Acting President Mathys, duly carried, RESOLVED, the City Attorney directed to create an ordinance as outlined above and return with the ordinance for discussion and introduction on October 26, 1999, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Steitz
Noes	:	None
Absent	:	Ronquillo

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**(5G) DIRECT CITY MANAGER OR DESIGNEE TO INSTALL PAVEMENT UNDULATIONS (SPEED BUMPS) IN THE 5200 BLOCK OF LOWE AVENUE IN FRONT OF AYER ELEMENTARY SCHOOL (DOES NOT MEET THE PETITION PROCESS THEREFORE DOES NOT MEET WARRANTS) - COUNCILMEMBER QUINTERO**

Councilmember Ronquillo returned to the meeting at 8:06 p.m.

On motion of Councilmember Quintero, seconded by Acting President Mathys, duly carried, RESOLVED, the City Manager directed to install pavement undulations (speed bumps) in the 5200 block of Lowe Avenue in front of Ayer Elementary, by the following vote:

Ayes : Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz  
Noes : None  
Absent : None

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**(5I) DIRECT THE CITY ATTORNEY TO PREPARE AN EMERGENCY ORDINANCE AMENDING THE FRESNO MUNICIPAL CODE RELATIVE TO ESTABLISHING CAMPAIGN CONTRIBUTION LIMITS FOR CANDIDATES FOR ELECTIVE OFFICE IN THE AMOUNT OF \$1,000 FROM INDIVIDUALS, \$2,500 FROM POLITICAL COMMITTEES, AND \$5,000 FROM BROAD-BASED POLICE ACTION COMMITTEES - COUNCILMEMBER BREDEFELD**

Briefly reviewed the Councilmember Bredefeld who stated his request was to initiate the same sections from the City's prior campaign contribution ordinance, made a motion to approve direction, and upon question stated the ordinance would take effect prior to the upcoming campaign cycle.

City Attorney Montoy responded to questions of Councilmember Quintero relative to definition of contributions. President Steitz expressed his opposition stating the real issue was the need for disclosure laws and not campaign limits and explained. Discussion ensued on personal loans and candidates who have already spent more than the proposed \$1,000 limit, **(10 - 0)** with Ms. Montoy responding to questions and clarifying the only intent here was to set limitations on contributions from others. Brief discussion ensued.

On motion of Councilmember Bredefeld, seconded by Acting President Mathys, duly carried, **RESOLVED**, the City Attorney directed to prepare an emergency ordinance amending the Fresno Municipal Code to establish campaign contribution limits for candidates for elective office in the amount of \$1,000 from individuals, \$2,500 from political committees, and \$5,000 from broad-based police action committees, by the following vote:

Ayes : Boyajian, Bredefeld, Mathys, Perea, Ronquillo  
Noes : Quintero, Steitz  
Absent : None

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**(5J) DIRECT STAFF TO ESTABLISH A POLICY AND CRITERIAL BY WHICH COUNCIL WILL EVALUATE REQUESTS BY NEW AND EXPANDING BUSINESSES FOR CITY FINANCIAL ASSISTANCE - COUNCILMEMBER PEREA**

Councilmember Perea made a motion to direct staff as outlined, stated he felt a policy was needed for issues such as the Gap noting if more protocols had been in place it would have been easier for Council to make a decision, and advised he was currently working with a business who would bring 300 jobs to Fresno and they were asking for substantial incentives and a policy and criteria needed to be developed.

City Manager Reid and City Attorney Montoy responded to the request advising the Blue Ribbon Commission that was established was already dealing with this issue, stated they would be holding a public hearing and bring their report to Council very soon, and noted an ordinance was already on the books that required the City to have these types of regulations and explained, with brief discussion ensuing. There was no action taken.

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**(5K) ESTABLISH POLICY REQUIRING RESIDENTIAL/COMMERCIAL DEVELOPERS TO CONDUCT A CITY/CAL TRANS APPROVED TRAFFIC STUDY TO DETERMINE THE CUMULATIVE FULL BUILD-OUT AFFECT OF PROPOSED PROJECT AND TO PAY THEIR FAIR SHARE OF COSTS RELATIVE TO THE AFFECTED TRANSPORTATION CORRIDORS - COUNCILMEMBER PEREA**

Laid over one week at the direction of Councilmember Perea.

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**ADJOURNMENT**

There being no further business to bring before the Council, the hour of 8:20 p.m. having arrived and hearing no objections, President Steitz declared the meeting adjourned.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 1999.

_____ ATTEST: _____	
Ken Steitz, Council President	Yolanda Salazar, Assistant City Clerk